

PELTON & ASSOCIATES PC

Brent E. Pelton
Taylor B. Graham
111 Broadway, Suite 1503
New York, New York 10006
Telephone: (212) 385-9700
Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**MOISES DOLORES, EDUARDO CASTELAN,
JORGE CASTELAN, GELACIO REYES and
GREGORIO MIRANDA, Individually and on Behalf of
all other Employees Similarly Situated,**

Plaintiffs,

13 Civ. 7270 (RJS)(JLC)

-against-

**EUROPAN CAFÉ, LLC d/b/a EUROPAN,
THEODOROU HRISTOS, FRANK PARENTE,
EVANGELOS GAVALS, NICK GLENDIS, JAMES
NICOZISIS and JOHN DOES #1-10, Jointly and
Severally,**

Defendants.

**NOTICE OF PLAINTIFFS' MOTION FOR FINAL APPROVAL OF CLASS
SETTLEMENT AND APPROVAL OF COUNSEL'S FEES AND COSTS**

PLEASE TAKE NOTICE that, upon the annexed declaration of Brent E. Pelton, Esq., sworn to June 23, 2015, the exhibits annexed thereto, the accompanying memorandum of law in support of the Plaintiffs' motion for final approval of the settlement agreement ("Motion for Final Approval"), and all the pleadings and proceedings heretofore had herein, the undersigned moves this Court, before the Hon. Richard J. Sullivan, United States District Judge, in the United

States District Courthouse for the Southern District of New York, 40 Foley Square, New York, New York 10007, for an Order:

(1) granting final approval of the settlement reached by the parties in this action as embodied in their Settlement Agreement And Release (*See* Exhibit D to Pelton Declaration);

(2) certifying the following New York Class under Federal Rule of Civil Procedure 23 for purposes of effectuating the settlement:

All current and former non-exempt and/or hourly employees who worked for European Café, LLC for any length of time between October 15, 2007 and February 3, 2015;

(3) granting final approval of the FLSA settlement;

(4) granting service awards to the Named Plaintiffs in the amount of \$5,000 each, in recognition of the services they rendered on behalf of the class;

(5) awarding Class Counsel's attorneys' fees of thirty-one percent (31%) of the Settlement Fund and reimbursement of litigation expenses in the amount of \$4,565.60; and

(6) granting any such other and further relief as the Court may deem just and proper.

For the Court's convenience, attached hereto as **Exhibit 1** please find Plaintiffs' [PROPOSED] ORDER ON PLAINTIFFS' MOTION FOR FINAL APPROVAL OF CLASS SETTLEMENT AND APPROVAL OF CLASS COUNSEL'S FEES AND COSTS.

Dated: New York, New York
June 23, 2015

Respectfully submitted,

PELTON & ASSOCIATES PC

By: /s/Brent E. Pelton

Brent E. Pelton (BP 1055)
Taylor B. Graham (TG 9607)
111 Broadway, Suite 1503
New York, New York 10006
Telephone: (212) 385-9700
Facsimile: (212) 385-0800

Attorneys for Plaintiffs